

## REMARKS

Applicants request favorable reconsideration and withdrawal of the objection and rejections set forth in the Office Action in view of the foregoing amendments and the following remarks.

Claims 1-5, 7, 8, and 10-13 remain pending in the application, with claims 1 and 13 being independent. Claims 1 and 13 have been amended herein. The amendments are merely editorial in nature, correcting informalities in the claims. Thus, Applicants submit that the amendments do not include new matter.

Initially, the Office Action objects to claim 1 for certain informalities. In response, claim 1 has been amended in the manner suggested in the Office Action. Accordingly, Applicants submit that the objection to this claim has been overcome and should be withdrawn.

Claims 1-5, 7, 8, and 10-13 are rejected in the Office Action under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that the originally-filed disclosure does not include a written description of the feature that the audit component is configured to “assign a negative weight for a particular series of unsuccessful transactions by an identity associated with [the] account that exceeds a sum of individual negative weights of unsuccessful transactions that make up the particular series of unsuccessful transactions by [the] identity associated with [the] account,” as recited in claim 1. The Office Action further asserts that the originally-filed disclosure does not include a written description of a step of “assigning a negative weight for a particular series of unsuccessful confirmations of the relationships between [the] user identity with [the] account that is greater than a sum of individual negative weights of unsuccessful confirmations of the relationships that

make up the particular series of unsuccessful confirmations of the relationships between [the] user identity with [the] account,” as recited in claim 13.

Applicants respectfully traverse the Section 112 rejection, and submit that the originally-filed disclosure includes a written description of the features cited in the rejection, for at least the following reasons.

Initially, Applicants note that there is not an in haec verba requirement for amended claim language to be present in the originally-filed disclosure, but rather the written description requirement is satisfied if there is merely enough description such that one of ordinary skill in the art would recognize that the inventors invented the claimed invention. See MPEP § 2163.03.

With this in mind, Applicants note that paragraph 0040 of the originally-filed specification, when taken in combination with the rest of the specification, provides a clear written description of the features cited in the Section 101 rejection. Paragraph 0040 reads:

Additionally, certain interactions may be weighted in aggregate form. In other words, some combinations of events may have relationships with each other. For example, a series of identity-undermining events may have an aggregate negative weighting that exceeds the individual negative weightings described above. Aggregated behaviors may also include usage behaviors that can be captured as patterns using, for example, conventional pattern matching algorithms. Each usage can be compared to a typical usage pattern. Typical usage may include the typical tasks performed by the user, the location of the user when accessing the system electronically (which may be determined, for example, via the IP address or addresses from which they typically connect), and usage of the underlying account. For example, if the account is being used in multiple cities hours apart, a sign of fraud may be present. This pattern data may be updated at regular intervals. For example, each time the user accesses the system, a similarity score can be computed that indicates the similarity of the transaction to previous transactions. Therefore, each usage of the

system establishes a usage history for the user. Thus, previous usage can be logged and compared to each subsequent usage.

(Emphasis added).

Paragraph 0040, therefore, clearly describes that a negative weight (“aggregated negative weighting”) can be assigned for a particular series of unsuccessful transactions (“identity-undermining events”) that exceeds the sum of individual weights of unsuccessful transactions that make up the particular series of unsuccessful transactions (“individual negative weightings”). Further, other portions of the originally-filed disclosure describe how successful and unsuccessful transactions that are assigned positive and negative weights which are aggregated to analyze and verify the relationship between a user identity and an account. See, e.g., specification, paragraphs 0011 and 0039; originally-filed claim 6. Thus, the originally-filed disclosure clearly conveys, especially when taken as a whole, that the invention includes aggregating positive and negative weighings for successful and unsuccessful transactions, and includes a more particular feature that an aggregated negative weight can be assigned that is greater than what otherwise would be a sum of negative weighings for a series of unsuccessful confirmations.

Applicants submit, therefore, that the originally-filed disclosure would clearly convey to one of ordinary skill in the art that the invention included the features of assigning a negative weight for a series of unsuccessful confirmations of the relationship between a user identity and an account that is greater than a sum of negative weights assigned to the unsuccessful confirmations, as recited in claims 1 and 13.

For at least the foregoing reasons, Applicants submit that the features cited in the Section 112 rejection are sufficiently described in the originally-filed disclosure so as to satisfy the written description requirement. Applicants note that no art rejection is set forth in the Office Action. Thus, Applicants submit that the claims are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and passage to issue of the present application.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

---

Donald H. Heckenberg, Jr.  
Attorney for Applicants  
Registration No. 60,081

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
DHH/ntb

FQHS\_WS 2568755v1